

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE JUANITA Y. JACKSON,

Debtor.

JUANITA Y. JACKSON,

Appellant,

v.

Case Number 18-13227

Honorable David M. Lawson

WENDY TURNER LEWIS, Trustee,

Appellee.

**ORDER REQUIRING APPELLANT TO FILE BANKRUPTCY RECORD
AND ADJOURNING HEARING**

On October 16, 2018, the *pro se* appellant filed a notice of appeal of an order of the bankruptcy court approving a settlement among the Trustee and the appellant's employer in an employment discrimination suit filed by the appellant. The Court set a briefing schedule, and the parties have been directed to appear for a hearing on February 26, 2019. However, the appellee's brief cites portions of the bankruptcy record, which has not been filed on the docket. *See* Notice of Transmittal of Complete Record, ECF No. 3, PageID.10 ("The Appellant has not filed the Designation of Record."). Under Federal Rule of Bankruptcy Procedure 8009(a)(1)(A), "[t]he appellant must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal." Although a *pro se* litigant is afforded significant latitude in pleading her case, the Court cannot review the bankruptcy court's decision without being apprised fully of the record below. *See In re Ames Dep't Stores, Inc.*, 320 B.R. 518, 521 (S.D.N.Y. 2005) ("The record on appeal should contain all items considered by the bankruptcy court in reaching a decision.") (citation omitted); Fed. R. Bankr. P. 8009(a)(4) (listing items that must be

included in the record on appeal). The Court therefore will direct the appellant to file the designation of record and adjourn the hearing to allow the appellant time to correct the deficiency.

Accordingly, it is **ORDERED** that, **on or before March 6, 2019**, the appellant must file with the bankruptcy court and serve on the appellee a designation of the items to be included in the record on appeal. Failure to do so may result in dismissal of the appeal.

It is further **ORDERED** that the hearing on February 26, 2019 at 3:30 p.m. is **ADJOURNED** without date pending receipt of the record on appeal.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: February 20, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 20, 2019.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI